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**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11629-PBS**

MacLeod v. Nolan
Assigned to: Judge Patti B. Saris
Cause: 28:2254 Petition for Writ of Habeas
Corpus (State)

Date Filed: 07/16/2004
Date Terminated: 07/10/2007
Jury Demand: None
Nature of Suit: 530 Habeas
Corpus (General)
Jurisdiction: Federal Question

Petitioner

Thomas MacLeod

represented by **Thomas MacLeod**
MCI Walpole
P.O. Box 100
Walpole, MA 02071
PRO SE

V.

Respondent

David Nolan

represented by **Susanne G. Reardon**
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*ATTORNEY TO BE
NOTICED*

Date Filed	#	Docket Text
07/16/2004	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Thomas MacLeod.(Jenness, Susan) (Entered: 07/22/2004)
07/16/2004	<u>2</u>	PETITION for writ of habeas corpus pursuant to 28:2254, filed by Thomas MacLeod.(Jenness, Susan) (Entered: 07/22/2004)
07/16/2004	3	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Jenness, Susan) (Entered: 07/22/2004)
07/22/2004	3	Case undergoing preliminary screening (Jenness, Susan) (Entered: 07/22/2004)
07/27/2004	<u>3</u>	Judge Patti B. Saris : ORDER entered denying <u>1</u> Motion for Leave to Proceed in forma pauperis. It is FURTHER ORDERED that petitioner must pay the \$ filing fee within 42 days of the date of this Order or this case will be dismissed without prejudice. (Weissman, Linn) (Entered: 07/27/2004)
07/27/2004	<u>4</u>	Judge Patti B. Saris : SERVICE ORDER entered re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.(Weissman, Linn) (Entered: 07/27/2004)
07/27/2004	3	Set Deadlines/Hearings: Filing fee due by 9/7/2004. (Weissman, Linn) (Entered: 07/27/2004)
07/29/2004	3	Return receipt received for mail sent to Mr. David Nolan Delivered on 7/28/04 (Patch, Christine) (Entered: 07/29/2004)
	3	

07/30/2004		Return receipt received for mail sent to Ms. Cathryn A. Neaves Delivered on 7/28/04 (Patch, Christine) (Entered: 08/05/2004)
08/11/2004	<u>2</u>	Filing fee: \$ 5, receipt number 57886 regarding PETITION for writ of habeas corpus pursuant to 28:2254 (Patch, Christine) (Entered: 08/16/2004)
08/16/2004	<u>5</u>	MOTION for Extension of Time to 8/25/04 to File Answer re <u>2</u> Petition for writ of habeas corpus (28:2254) by David Nolan.(Reardon, Susanne) (Entered: 08/16/2004)
08/17/2004	<u>5</u>	Judge Patti B. Saris : ELECTRONIC ORDER entered Allowing <u>5</u> MOTION for Extension of Time to 8/25/04 to File Answer to <u>2</u> Petition for writ of habeas corpus (28:2254) filed by David Nolan. (Alba, Robert) (Entered: 08/17/2004)
08/24/2004	<u>6</u>	ANSWER to Complaint <i>habeas corpus petition</i> by David Nolan.(Reardon, Susanne) (Entered: 08/24/2004)
08/25/2004	<u>7</u>	Judge Patti B. Saris : Briefing ORDER entered. Petitioner is directed to file and serve a brief in support of the petition for habeas corpus on or before 9/27/04, and the Respondent is directed to file and serve a brief in opposition to the peition on or before 10/27/04. (Patch, Christine) (Entered: 08/25/2004)
08/25/2004	<u>8</u>	Supplemental ANSWER to Petition for a Writ of Habeas Corpus by David Nolan.(Patch, Christine) (Entered: 08/30/2004)
09/21/2004	<u>9</u>	MOTION for Extension of Time to 11/15/04 to File a Brief by Thomas MacLeod.(Patch, Christine) (Entered: 09/28/2004)
09/29/2004	<u>9</u>	Judge Patti B. Saris : Electronic ORDER entered granting <u>9</u> Motion for Extension of Time to File to 11/15/04 to file a brief. (Patch, Christine) (Entered: 09/29/2004)

		10/04/2004)
10/04/2004	<u>10</u>	Letter from Thomas MacLeod inquiring as to whether the court received his Motion for an Extension of Time. (Patch, Christine) (Entered: 10/13/2004)
10/19/2004	<u>11</u>	Memorandum in Support of <u>2</u> Petition for writ of habeas corpus (28:2254) by Thomas MacLeod. (Patch, Christine) (Entered: 10/26/2004)
10/19/2004	<u>12</u>	MOTION to Supplement the Record by Thomas MacLeod.(Patch, Christine) (Entered: 10/26/2004)
10/27/2004		Judge Patti B. Saris : Electronic ORDER entered granting <u>12</u> Motion to Supplement the Record (Patch, Christine) (Entered: 11/03/2004)
11/17/2004	<u>13</u>	MEMORANDUM OF LAW by David Nolan. (Reardon, Susanne) Additional attachment(s) added on 11/18/2004 (Patch, Christine). (Entered: 11/17/2004)
11/18/2004		Notice of correction to docket made by Court staff. Correction: Document No. 14 deleted because: Was a duplicate of Document No. 13 (Patch, Christine) (Entered: 11/18/2004)
11/24/2004	<u>14</u>	Judge Patti B. Saris: ORDER entered Referring case to Magistrate Judge Judith G. Dein for Report and Recommendation on 2254 Petition for Writ of Habeas Corpus.(Alba, Robert) (Entered: 11/24/2004)
12/10/2004	<u>15</u>	MOTION for Leave to File Reply Late by Thomas MacLeod.(Patch, Christine) (Entered: 12/15/2004)
12/17/2004		Judge Judith G. Dein : Electronic ORDER entered granting <u>15</u> Petitioner's Motion for Leave to File His Reply Late. (Dambrosio, Jolyne) (Entered: 12/17/2004)
12/17/2004	<u>16</u>	Reply by Thomas MacLeod to <u>13</u> Opposition to Petition for Writ of Habeas Corpus. (Patch, Christine) (Entered: 12/27/2004)

03/15/2005	<u>17</u>	Letter from Thomas MacLeod requesting the status of his case. (Patch, Christine) (Entered: 03/24/2005)
03/29/2005		Judge Judith G. Dein : Electronic ORDER entered re <u>17</u> Letter/request (non-motion) from Thomas MacLeod. The matter has been fully briefed and is under advisement. We will let you know when a decision is reached.(Dambrosio, Jolyne) (Entered: 03/29/2005)
09/01/2005	<u>18</u>	Letter from Thomas MacLeod regarding the status of his case. (Patch, Christine) (Entered: 09/02/2005)
09/02/2005		DOCKET SHEET sent to Thomas MacLeod. (Patch, Christine) (Entered: 09/02/2005)
10/26/2005	<u>19</u>	MOTION for Temporary Restraining Order by Thomas MacLeod. (Attachments: # <u>1</u> Exhibit Letter to Abbe Nelligan and Classification Report)(Patch, Christine) (Entered: 10/28/2005)
11/03/2005		Judge Patti B. Saris : ElectronicORDER entered denying <u>19</u> Motion for TRO (Patch, Christine) (Entered: 11/07/2005)
01/18/2006	<u>20</u>	Letter from Thomas MacLeod regarding the status of his case. (Patch, Christine) (Entered: 01/19/2006)
01/19/2006		DOCKET SHEET sent to Thomas MacLeod. (Patch, Christine) (Entered: 01/19/2006)
01/26/2006		Judge Judith G. Dein : Electronic ORDER entered re <u>20</u> Letter from Thomas MacLeod regarding the status of his case. The matter is still under advisement. (Dambrosio, Jolyne) (Entered: 01/26/2006)
04/04/2006	<u>21</u>	Letter from Thomas MacLeod re: status of the case. (Attachments: # <u>1</u> Exhibit Electronic Order of 1/26/06) (Patch, Christine) (Entered: 04/25/2006)
04/25/2006		DOCKET SHEET sent to Thomas MacLeod. (Patch, Christine) (Entered: 04/25/2006)

11/08/2006	<u>22</u>	NOTICE of the Petitioner by Thomas MacLeod re Order (Attachments: # <u>1</u> Electronic Order)(Patch, Christine) (Entered: 11/08/2006)
01/16/2007	<u>23</u>	Letter from Thomas MacLeod. (Attachments: # <u>1</u>) (Patch, Christine) (Entered: 01/19/2007)
01/24/2007	<u>24</u>	Judge Judith G. Dein : ORDER entered. REPORT AND RECOMMENDATIONS re <u>2</u> Petition for writ of habeas corpus (28:2254) filed by Thomas MacLeod. Recommendation: that the Petition be denied. Objections to R&R due by 2/7/2007. (Dambrosio, Jolyne) (Entered: 01/24/2007)
01/24/2007		Case no longer referred to Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 02/06/2007)
02/02/2007	<u>25</u>	MOTION for Extension of Time to 2/26/07 to File Objection to Magistrate's Report and Recommendation by Thomas MacLeod.(Patch, Christine) (Entered: 02/05/2007)
02/06/2007		Judge Patti B. Saris : Electronic ORDER entered granting <u>25</u> Motion for Extension of Time to Object to the Magistrate's Report and Recommendation. (Patch, Christine) (Entered: 02/07/2007)
02/28/2007	<u>26</u>	MOTION for Extension of Time to 3/27/07 to File Objections to <u>24</u> REPORT AND RECOMMENDATIONS re <u>2</u> Petition for writ of habeas corpus (28:2254) filed by Thomas MacLeod, Recommendation: that the Petition be denied. by Thomas MacLeod.(Patch, Christine) (Entered: 03/01/2007)
03/05/2007		Judge Patti B. Saris : Electronic ORDER entered granting <u>26</u> Motion for Extension of Time to File Response re <u>24</u> REPORT AND RECOMMENDATIONS re <u>2</u> Petition for writ of habeas corpus (28:2254) filed by Thomas MacLeod, Recommendation: that the Petition be denied.

		Responses due by 3/27/2007 (Patch, Christine) (Entered: 03/06/2007)
03/28/2007	<u>27</u>	MOTION for Extension of Time to 4/30/07 to File Objections as to <u>24</u> REPORT AND RECOMMENDATIONS re <u>2</u> Petition for writ of habeas corpus (28:2254) filed by Thomas MacLeod, Recommendation: that the Petition be denied. by Thomas MacLeod.(Patch, Christine) Additional attachment(s) added on 4/4/2007 (Patch, Christine). (Entered: 04/04/2007)
04/12/2007	<u>27</u>	Judge Patti B. Saris : ELECTRONIC ORDER entered granting <u>27</u> Motion for Extension of Time to File Response/Reply re <u>24</u> REPORT AND RECOMMENDATIONS re <u>2</u> Petition for writ of habeas corpus (28:2254) filed by Thomas MacLeod, Recommendation: that the Petition be denied. Responses due by 4/30/2007. (Filo, Jennifer) (Entered: 04/13/2007)
04/20/2007	<u>28</u>	OBJECTION to <u>24</u> Report and Recommendations filed by Thomas MacLeod. (Attachments: # <u>1</u> Exhibits)(Filo, Jennifer) (Entered: 04/20/2007)
07/09/2007	<u>28</u>	Judge Patti B. Saris : Electronic ORDER entered. ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>24</u> Report and Recommendations Action on motion: denied. "I adopt the report and recommendation denying the habeas petition and order entry of judgment in favor of respondent." (Patch, Christine) (Entered: 07/10/2007)
07/10/2007	<u>29</u>	Judge Patti B. Saris : ORDER entered. JUDGMENT in favor of Respondent against Petitioner(Patch, Christine) (Entered: 07/10/2007)
07/10/2007	<u>30</u>	Letter to Judge Saris from Thomas MacLeod. (Patch, Christine) (Entered: 07/16/2007)
07/24/2007	<u>31</u>	MOTION for Certificate of Appealability by Thomas

		MacLeod.(Patch, Christine) Additional attachment(s) added on 7/26/2007 (Patch, Christine). (Entered: 07/26/2007)
07/24/2007	<u>32</u>	NOTICE OF APPEAL by Thomas MacLeod re <u>29</u> Judgment (Attachments: # <u>1</u> Exhibit Judgment)(Patch, Christine) (Entered: 07/26/2007)
08/03/2007	<u>33</u>	Judge Patti B. Saris : ORDER entered denying <u>31</u> Motion for Certificate of Appealability. "Pursuant to 28 U.S.C. 2253(c)(3) and Interim Loc. R. 22.1, I deny the request for a certificate of appealability because the applicant has made no substantial showing of the denial of a constitutional right." (Patch, Christine) (Entered: 08/06/2007)